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In re Application of :
Hirotaka Yasuda, et al. :
Application No. 10/537,791 : **DECISION ON PETITION**
Filed: June 6, 2005 :
Attorney Docket No.: F-8557 :

This is a decision on the petition, filed January 25, 2008, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

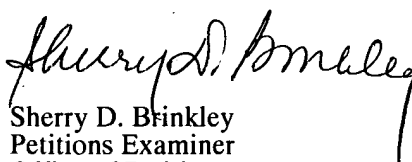
This application was held abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed July 20, 2007. A Notice of Abandonment was mailed January 22, 2008. In response, on January 25, 2008, the present petition was filed.

Petitioner asserts that an election of the invention to be examined was filed in a response received August 16, 2007. To support this assertion, petitioner has submitted a copy of the "Auto-Reply Facsimile Transmission" which acknowledges receipt of the response by the U.S. Patent and Trademark Office (USPTO) on August 16, 2007. A copy of the previously submitted reply accompanies the petition. A review of the application file confirms receipt of the response filed August 16, 2007, as it is present among the papers contained in the application. Accordingly, this application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to Technology Center AU 3611 for appropriate action in the normal course of business on the reply received August 16, 2007.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions